

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 543

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING TITLE 6 OF THE BURIEN MUNICIPAL CODE RELATING TO RESPONSIBILITIES FOR ANIMAL CONTROL LICENSING AND ENFORCEMENT AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of Burien has had an interlocal agreement with King County to provide animal control services since 1993, and

WHEREAS, in accordance with the interlocal agreement, the City has adopted pertinent portions of the King County Animal Control Code found in Title 11 KCC, and these provisions have been implemented by County personnel, and

WHEREAS, the City has decided to terminate the interlocal agreement with King County and to implement the adopted portions of Title 11 KCC by utilizing persons or legal entities employed by or under contract with the city, and

WHEREAS, it is necessary to amend the City Code provisions adopting the pertinent portions of Title 11 KCC by designating the persons or legal entities who will be implementing the Animal Control Code for the City, and

WHEREAS, such amendments to the Burien Municipal Code are administrative in nature, as they revise the means of implementing animal control provisions already enacted;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amendments to Title 6 BMC. Title 6 of the Burien Municipal Code is hereby amended to read as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall take effect on July 1, 2010.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 21ST DAY OF JUNE, 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE
THIS 21ST DAY OF JUNE, 2010.

CITY OF BURIEN

Joan McGilton, Mayor

AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Craig D. Knutson, City Attorney

Filed with the City Clerk: June 21, 2010
Passed by the City Council: June 21, 2010
Ordinance No. 543
Date of Publication: June 24, 2010

EXHIBIT A

Title 6 ANIMALS

Chapters:

- 6.05 Administration
- 6.10 Dog Leash Law
- 6.15 Rabies Control
- 6.20 Fowl and Rabbits
- 6.25 Livestock
- 6.30 Exotic Animals
- 6.35 Guard Dogs
- 6.40 Feeding of Birds and Wildlife

Chapter 6.05 ADMINISTRATION

Sections:

- 6.05.100 Animal control authority appointment.
- 6.05.200 General provisions and licensing – Adopted by reference.
- 6.05.300 Enforcement and procedures – Adopted by reference.
- 6.05.400 Appeals.
- 6.05.500 Violation – Penalty.

6.05.100 Animal control authority appointment.

The animal control authority of the city shall be the persons or legal entities employed by or under contract with the city to administer and enforce the provisions of this chapter. [Ord. 11 § 1, 1993]

6.05.200 General provisions and licensing – Adopted by reference.

(1) The following sections of Chapter 11.04 KCC, as now in effect, and as may be subsequently amended, are adopted by reference, except that, unless the context indicates otherwise, the word “county” and the words “King County” shall refer to the city, references to violations of the county code or county ordinances shall be deemed to be references to violations of city ordinances, and references to “animal care and control authority or section” shall be deemed to be references to the city’s finance department for the purposes of the licensing responsibilities of Chapter 11.04 KCC and shall be deemed to be references to the city’s animal control entity and personnel for the purposes of the enforcement and inspection responsibilities of Chapter 11.04 KCC, and except that the pet license fees in KCC 11.04.035A.1, 2, and 3 shall be \$50 Unaltered, \$15 Altered, \$0 Juvenile, \$15 Senior citizen dog or cat:

KCC

- 11.04.010 Purpose.
- 11.04.020 Definitions.
- 11.04.030 Dog and cat licenses required.
- 11.04.033 Animal shelter, kennel, grooming service, cattery and pet shop – General licenses – Requirements.
- 11.04.035 Dog and cat license fees and penalties.
- 11.04.040 Animal shelter, kennel and pet shop license – Required.
- 11.04.050 Animal shelter and kennel license – Information required.
- 11.04.060 Hobby kennel license – Required.
- 11.04.070 Animal shelters, kennels and pet shops – Reporting required.
- 11.04.080 Animal shelters, kennels and pet shops – Inspections.
- 11.04.090 Animal shelters, kennels and pet shops – Conditions.
- 11.04.100 Animal shelters, kennels and pet shops – Conditions.
- 11.04.110 Animal shelters, kennels and pet shops – Outdoor facilities.
- 11.04.120 Grooming parlors – License required.

- 11.04.130 Grooming parlors – Conditions.
- 11.04.140 Animal shelters, hobby kennels, kennels, pet shops, grooming parlors, guard dog purveyors, guard dog trainers and guard dog owners – Additional conditions.
- 11.04.150 Licenses, registrations – Revocation, suspension or refusal to renew.
- 11.04.160 Licenses, registrations – Revocation or refusal waiting period.
- (2) Pet Shop License Exemption for Feed Stores for Seasonal Sales. Feed stores which sell live chickens, ducks, or rabbits on a seasonal or other temporary basis are exempt from obtaining a pet shop license under KCC 11.04.040. [Ord. 227 § 1, 1998; Ord. 11 § 2, 1993]

6.05.300 Enforcement and procedures – Adopted by reference.

The following sections of Chapter 11.04 KCC, as now in effect, and as may be subsequently amended, are adopted by reference, except that, unless the context indicates otherwise, the word “county” and the words “King County” shall refer to the city, references to violations of the county code or county ordinances shall be deemed to be references to violations of city ordinances, references to “animal care and control authority or section” shall be deemed to be references to the city’s animal control agency and personnel, and references to the King County board of appeals shall be deemed to be references to the city’s hearing examiner:

KCC

- 11.04.170 Enforcement power.
- 11.04.180 Violations – Deemed nuisance – Abatement.
- 11.04.200 Violations – Civil penalty.
- 11.04.210 Impounding.
- 11.04.220 Additional enforcement.
- 11.04.230 Nuisances defined.
- 11.04.240A Unlawful acts against police department dogs.
- 11.04.250 Cruelty to animals – Unlawful acts designated.
- 11.04.260 Violations – Notice and order.
- 11.04.270 Appeals.
- 11.04.280 Redemption procedures.
- 11.04.290 Corrective action – Vicious animals.
- 11.04.300 Civil penalty and abatement costs – Liability of owner.
- 11.04.310 Costs of additional enforcement.
- 11.04.320 Miscellaneous service charges.
- 11.04.330 Additional rules and regulations.
- 11.04.335 Waiver of fees and penalties.
- 11.04.340 Severability.

A new subsection (B)(3) is to be added at the end of KCC 11.04.290, as adopted by reference pursuant to this section, with such new subsection to read as follows:

- 3. Any dog or other animal which inflicts severe injury on a human being without provocation on public or private property or kills a domestic animal without provocation while the dog or other animal is off the owner’s property is declared to be a public

nuisance and shall not be kept within the corporate limits of the City of Burien forty-eight hours following the owner's receipt of written notice from the city's animal control authority. Such animal or animals found in violation of this section are hereby declared to be a public nuisance and may be impounded and disposed of as an unredeemed animal, and the owner or keeper of such animal(s) has no right to redeem such dog or animal. For purposes of this subsection, the terms "Unprovoked," "Severe Injury" and "Injury" shall have the following meanings:

"Unprovoked" means that an animal is not "provoked." An animal is "provoked" if the animal was being tormented, physically abused or hurt at the time of the incident. An animal also is "provoked" if a reasonable person would conclude that the animal was defending itself, its owner or an immediate family member of its owner, or another person within its immediate vicinity from an actual assault or was defending real property belonging to its owner or an immediate family member of its owner from a crime being committed on the owner's property at that time. An animal is not "provoked" if the victim is alleged to have provoked the animal and the victim is less than six (6) years old.

"Severe injury" means any injury that results in broken bones, disfiguring lacerations requiring multiple sutures (or according to a licensed physician would have required sutures) or cosmetic surgery, or causes a permanent impairment of the physical condition that limits one or more of the major life activities of such individual. It also means transmittal of an infectious or contagious disease by an animal.

"Injury" means any physical injury that causes physical pain or the impairment of the physical condition including, but not limited to, cuts, scrapes, bruises or punctures.

[Ord. 483 § 1, 2007; Ord. 11 § 3, 1993]

6.05.400 Appeals.

The city's hearing examiner is designated to hear appeals and to review determinations relating to licensing and to violations of city animal control ordinances, in accordance with KCC 11.04.270. [Ord. 11 § 4, 1993]

6.05.500 Violation – Penalty.

Any person who allows an animal to be maintained in violation of this title, or otherwise violates or fails to comply with any requirement of this title, shall be guilty of a violation of a city ordinance and shall be subject to punishment by fine of not more than \$5,000 or imprisonment for a term not in excess of one year, or both. [Ord. 11 § 11, 1993]

Chapter 6.10

DOG LEASH LAW

Sections:

6.10.100 Dog leash law – Adopted by reference.

6.10.100 Dog leash law – Adopted by reference.

The entire city is designated a dog control zone and the following sections of Chapter 11.08 KCC, as now in effect, and as may be subsequently amended, are adopted by reference, except that, unless the context indicates otherwise, the word “county” and the words “King County” shall refer to the city and references to violations of the county code or county ordinances shall be deemed to be references to violations of city ordinances:

KCC

11.08.010 Purpose.

11.08.020 Definitions.

11.08.030 Dogs at large prohibited in dog control zones.

11.08.060 Violations – Civil penalty.

11.08.070 Severability.

[Ord. 11 § 5, 1993]

Chapter 6.15 RABIES CONTROL

Sections:

6.15.100 Rabies control – Adopted by reference.

6.15.100 Rabies control – Adopted by reference.

The following sections of Chapter 11.12 KCC, as now in effect, and as may be subsequently amended, are adopted by reference, except that, unless the context indicates otherwise, the word “county” and the words “King County” shall refer to the city and references to violations of the county code or county ordinances shall be deemed to be references to violations of city ordinances:

KCC

11.12.010 Quarantine order.

11.12.020 Notice of rabies hazard – Quarantine period.

11.12.030 Violation of quarantine.

11.12.040 Destruction of infected animals.

11.12.050 Vaccination order.

11.12.060 Enforcement.

[Ord. 11 § 6, 1993]

Chapter 6.20 FOWL AND RABBITS

Sections:

6.20.100 Disposition of fowl and rabbits – Adopted by reference.

6.20.100 Disposition of fowl and rabbits – Adopted by reference.

The following sections of Chapter 11.20 KCC, as now in effect, and as may be subsequently amended, are adopted by reference except that, unless the context indicates otherwise, the word “county” and the words “King County” shall refer to the city and references to violations of the county code or county ordinances shall be deemed to be references to violations of city ordinances:

KCC

11.20.010 Age restriction for disposition or coloration.

11.20.202 Penalty for violations.

[Ord. 11 § 7, 1993] **Chapter 6.30 EXOTIC ANIMALS**

Sections:

6.30.100 Exotic animals – Adopted by reference.

6.30.100 Exotic animals – Adopted by reference.

The following sections of Chapter 11.28 KCC, as now in effect, and as may be subsequently amended, are adopted by reference, except that, unless the context indicates otherwise, the word “county” and the words “King County” shall refer to the city, references to violations of the county code or county ordinances shall be deemed to be references to violations of city ordinances, and references to “animal care and control authority or section” shall be deemed to be references to the city’s finance department for the purposes of the licensing responsibilities of Chapter 11.28 KCC and shall be deemed to be references to the city’s animal control entity and personnel for the purposes of the enforcement and inspection responsibilities of Chapter 11.28 KCC:

KCC

11.28.010 Chapter intent.

11.28.020 Definitions.

11.28.030 Possession unlawful – Exception – Rules and regulations compliance.

11.28.040 License – Issuance generally – Fees.

11.28.050 License – Application – Content.

11.28.070 Periodic inspection of premises.

11.28.080 License revocation – Notice – Hearing.

11.28.100 Euthanasia in exigent circumstances.

11.28.110 Chapter limitations.

11.28.120 Severability.

[Ord. 11 § 9, 1993]

Chapter 6.35 GUARD DOGS

Sections:

6.35.100 Guard dogs – Adopted by reference.

6.35.100 Guard dogs – Adopted by reference.

The following sections of Chapter 11.32 KCC, as now in effect, and as may be subsequently amended, are adopted by reference, except that, unless the context indicates otherwise, the word “county” and the words “King County” shall refer to the city, references to violations of the county code or county ordinances shall be deemed to be references to violations of city ordinances, and references to “animal care and control authority or section” shall be deemed to be references to the city’s finance department for the purposes of the licensing responsibilities of Chapter 11.32 KCC and shall be deemed to be references to the city’s animal control entity and personnel for the purposes of the enforcement and inspection responsibilities of Chapter 11.32 KCC:

KCC

11.32.010 Intent.

11.32.020 Definitions.

11.32.030 Guard dog purveyor – License – Fees.

11.32.040 Guard dog purveyor – License – Application.

11.32.050 Guard dog trainer – License – Fees.

11.32.060 Guard dog trainer – License – Application – Contents.

11.32.070 Guard dog – Registration.

11.32.080 Guard dog – Registration – Application – Contents.

11.32.090 Inspections.

11.32.110 Limitations.

11.32.120 Severability.

[Ord. 11 § 10, 1993]

Chapter 6.40
FEEDING OF BIRDS AND WILDLIFE

Sections:

6.40.100 Outdoor feeding.

6.40.200 Penalty.

6.40.100 Outdoor feeding.

It is unlawful for any person to feed or allow any domestic or wild animals or birds to feed outdoors at such times and in such numbers that:

(1) Such feeding creates an unreasonable disturbance, or accumulation of droppings on surrounding properties including public property, or

(2) Allows such feed or edible waste to remain uneaten for more than four hours. [Ord. 207 § 1, 1997]

6.40.200 Penalty.

Violation of this chapter shall constitute a civil infraction, punishable by a civil fine not to exceed \$2,000. [Ord. 207 § 2, 1997]